**POLICY ON RESEARCH, SCHOLARSHIP, AND ACADEMIC**

 **MISCONDUCT AND FRAUD**

 Prepared by the Faculty Senate Research Council

 and

 Approved by the Faculty Senate

 April 22, 1997

Adapted from:

Association of American Medical Colleges. (1992). Beyond the "framework": Institutional considerations in managing allegations of misconduct in research. Washington, D.C.: Author.

**I. INTRODUCTION**

"As an academic institution committed to the discovery and dissemination of truth, William Paterson University expects that all members of the University community shall conduct themselves honestly and with professional demeanor in all academic activities.

"WPUNJ has established standards of academic conduct because of its belief that academic honesty is a matter of individual and University responsibility, and that, when standards of honesty are violated, each member of the community is harmed.

"Members of the University community are expected to acknowledge their individual responsibility to be familiar with and adhere to the Academic Integrity Policy" (William Paterson University Graduate Catalog, 1996, p. 7).

As applied to the conduct of professional research, "fraud in the conduct of research undermines the scientific enterprise and erodes the public trust in the academic community to conduct research and communicate results using the highest standards and ethical practices" (Hansen, 1988, p. 67).

*This policy applies to all aspects of research, scholarship, and professional endeavors of all University faculty, librarians, professional staff, and administration. Students are referred to the Student Handbook for the corresponding policy applicable to students.*

**II. DEFINITIONS**

A. Ethics is the study of the standards of conduct and involving moral connotations and values (O'Connor, 1993).

B. Research misconduct is the fabrication, falsification, plagiarism, or other deliberate misrepresentation in proposing, conducting, or reporting research (National Academy of Sciences, 1992).

C. Fraud is an act of purposefully deceiving or misrepresenting research, scholarly, or academic activities.

D. Fabrication is making up false data or statements when reporting data.

E. Falsification is knowingly furnishing incorrect information, distorting data, or failure to provide all necessary information.

F. Plagiarism is the copying from another source, published or unpublished, without proper credit and/or authorization.

G. Multiple presentations and publications of the same data are considered misconduct when the original publications are not cited.

H. Indemnification is protection against possible legal suit or damage, or compensation for incurred damage.

**III. RESOLUTION OF MISCONDUCT AND FRAUD ALLEGATIONS**

A. Considerations

1. The burden of proof rests with the institution.

2. The need for due process, as specified in Section B, must be met, including notice, hearing, and strict attention to all steps of the procedures.

3. All complaints must be initiated within 90 days of either the complainant or University becoming aware of the alleged misconduct.

4. All investigations must be initiated and completed within 120 days of the initial complaint, unless reasonable requests for extensions of time have been requested and granted.

5. Sanctions are limited to those in this document.

6. Record-keeping of all research, scholarly, or academic activity must be scrupulous. Documentation of the use of existing data that was immorally obtained, is unavailable from other methods, and has potential to benefit the public must be kept. Such data may be used providing it be publicized that the manner in which it was obtained was under no circumstances condoned.

7. All data ownership agreements must be in writing.

8. All protocol variations must be reported systematically and objectively following rigorous analysis of the available data.

B. Procedures

1. Misconduct Review Committee

a. The institutional Misconduct Review Officer is the Associate Vice President for Graduate Studies, Research, and Academic Administration, who has the primary responsibility for coordinating and handling activities related to reviewing allegations of possible misconduct.

b. A Standing Senate Committee shall be nominated by the Senate Executive Committee and confirmed by the Senate. This Standing Committee will serve for a one-year term, or until a new Committee is approved by the Senate. The Misconduct Review Officer will serve as chair and will vote only in the event of a tie. In addition, to the Misconduct Review Officer, the Standing Committee shall consist of:

1) three faculty, one librarian, and one professional staff person, who will all serve as voting members. The Misconduct Review Officer shall, in consultation with the respondent, appoint one faculty member from the respondent’s discipline who will serve as a non-voting member on an ad hoc basis.

2) a union representative, selected by the union, who shall act as a non-voting observer.

c. Committee members will be indemnified if they carry out their responsibilities in good faith and within the scope of their assignments. Legal counsel for the Committee and for the University will be provided by the state Attorney General’s office. The respondent and complainant may engage his/her own legal counsel or advocate, if they so desire. Legal counsels and advocates will act as representatives or support persons and will not have active roles as participants in the inquiry process; they will not participate in the discussions of the committee. Attorneys will not be permitted to examine or to cross-examine witnesses before the Committee.

2. Allegation

a. Notice of the allegation will be given to the Misconduct Review Officer and the respondent via the form provided. All allegations of misconduct will be reviewed, including those retracted by the complainant. The University may initiate a complaint via the Associate Vice President for Graduate Studies, Research, and Academic Administration. Anonymous and/or unsubstantiated complaints will not be investigated.

b. Frivolous allegations will be considered professional misconduct.

c. To the extent possible, all records of allegations will be maintained and all proceedings conducted to protect the confidentiality of both the complainant and the respondent.

3. Preliminary review

a. Preliminary, informal investigation of facts will be done to determine if an allegation has any reasonable basis before beginning a formal process. This shall be conducted by the Misconduct Review Officer.

b. If no reasonable basis for the allegation exists, the investigation will terminate and the involved parties will be notified in writing.

c. If a reasonable basis for the allegation is revealed, the subject of the allegation will be notified, in writing, as soon as possible. The Misconduct Review Officer will inform the respondent of his/her rights and responsibilities in the matter.

d. If a reasonable basis for the allegation exists, the Provost and the President will be notified.

4. Inquiry

a. The Standing Committee is convened by the Misconduct Review Officer and formal allegations are provided to the Committee.

b. The respondent will be presented with a clear written articulation of the allegations and given a full opportunity to provide an explanation. The complainant shall be treated in the same manner as other witnesses.

c. Access to data/raw materials as essential evidence will be provided to the Officer, Committee, and respondent in a timely fashion.

d. For the purposes of obtaining, clarifying, or amplifying evidence, the Committee may interview appropriate individuals. Every employee is expected to cooperate in good faith with the proceedings.

e. The inquiry findings will be documented in an informational report signed by the Standing Committee responsible for its content. The respondent will be notified immediately and advised of the right to appeal (Section 7 below). This report is advisory in nature and does not become the formal action of the University administration.

5. Reports of all findings will be retained indefinitely in a confidential file in the Office of the Associate Vice President for Graduate Studies, Research, and Academic Administration.

a. For inquiries concluding there has been no misconduct:

[1] If there is no public awareness of the allegation, and if the respondent so desires, the report shall be treated confidentially.

[2] If there is public awareness, and the respondent so desires, the conclusion shall be made public.

b. Complete reports of findings will be provided to the President for appropriate action. At the same time, a copy of the report will be provided to the respondent and the complainant.

c. For inquiries concluding there has been misconduct, see Sections 6 and 7.

6. Sanctions for findings of misconduct

a. Sanctions and final decisions will be issued by the President.

b. There will be a logical relationship between the nature and severity of the proven allegations and the sanctions imposed.

c. Sanctions may range from discontinuation of a particular project to loss of current ART, preclusion from application for future ART, preclusion from application for future intramural and extramural funding, or preclusion from approval to conduct further research. All preclusions must be for a specified number of years which will be determined by the President. Additional sanctions by the President may include suspension without pay, or other appropriate sanction, up to and including termination of employment.

7. Appeal is a review of the record previously compiled and is available only to consider new evidence, contentions that the investigatory process was flawed, or contentions that the evidence in the record taken as a whole did not substantially support the findings of the process.

a. The appeal will be made to the William Paterson University Board of Trustees, as final agency head.

b. The Board of Trustees may accept, reject, or modify the initial decision.

c. Appeals from the final decision of the Board of Trustees may be made to the Appellate Division of the Supreme Court of NJ pursuant to the Administrative Procedures Act (NJSA 52:14B-1 et seq.).

8. Reports to Extramural (External) Funding Agencies

a. If the findings of the Standing Committee do not support the allegations, no report will be made to extramural funding agencies associated with the project, unless required by the agency. Copies of letters and other materials shall be provided to the respondent, along with a copy of the agency’s notification requirements.

b. If the findings of the Standing Committee support the allegations and the President’s final decision supports the committee findings, all extramural funding agencies (1) shall be notified as per their unique requirements, or (2) shall receive copies of the Committee’s report and the President’s action and sanctions. Copies of letters and other materials shall be provided to the respondent, along with a copy of the agency’s notification requirements.

c. If a funding agency requires notification of a misconduct inquiry prior to a final decision, the agency shall be notified as per their requirements. Copies of letters and other materials shall be provided to the defendant, along with a copy of the agency’s notification requirements.

 REFERENCES

Hansen, B.C. & Hansen, K.D. (1988). "Allegations of academic or research misconduct: An evolving model of policies and procedures for institutions". Grants Magazine, 11(2), 65-71.

National Academy of Science. (1992). Responsible science: ensuring the integrity of the research process, 1. Washington, D.C.: National Academy Press.

O'Connor, J.D. (1993). Ethical considerations for scientific activities. In Proceedings of the moral and ethical constructs in an academic environment. (Presented at the American College of Nursing Academic Integrity and Scientific Misconduct Conference, Arlington, VA.

US Department of Health and Human Services. (1995). Integrity and Misconduct in Research: Report of the Commission on Research Integrity. US Government Printing Office: Author.

William Paterson University. (1996). Graduate Catalog. Wayne, NJ: The University.

Associate Vice President and Dean, Graduate Studies and Research

Office of the Provost

William Paterson University

300 Pompton Road, Wayne, NJ 07470

 ALLEGATION OF PROFESSIONAL MISCONDUCT AND FRAUD

Submit this form to the Misconduct Review Officer (Associate Vice President and Dean, Graduate Studies and Research).

Complaint against: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Department: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title of project (if applicable): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Nature of complaint: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of alleged incident: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of complainant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Department: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of complaint: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Summary of complaint: (Attach additional pages if necessary)

Specific details:

1) Names of individuals involved (if applicable):

2) Incidents and dates: